

Development Review Board

October 22 2015- Draft Minutes

Board Members Present:

Dennis Smith, Ray Labounty, Chad Robillard, Tim Persons, Rich Lyon, Tony Higgs

1. Application of Diane Dargie of 1043 Lackey Hill Road, St. Johnsbury, Vt 05819 pursuant to section 302 and 307 of the St. Johnsbury Zoning Bylaws, for approval of variance to setback at 1043 Lackey Hill Road. Said land and premises are located in districts designated Rural Lands Two on the St. Johnsbury Zoning Map. (Reference 20150918-001)

The board Finds:

- The proposed porch extension will encroach into the side setback of the property.
- The existing building and walkway is located in close proximity to the side property line.
- A variance is required to place the roof over the walkway

Tony Higgs made a motion to accept the application for approval of the variance of side setbacks at 45 feet. Raymond LaBounty seconded the motion. The board unanimously approved the motion.

2. Application of Elise Goldman of 33 Buzzell Street, St. Johnsbury, Vt 05819 pursuant to section 204, 305,310 and Article VII of the St. Johnsbury Zoning Bylaws, for approval of an Accessory Commercial Use Catering Kitchen at 33 Buzzell Street . Said land and premises are located in districts designated Residential B on the St. Johnsbury Zoning Map. (Reference 20150921-002)

The board finds:

- The applicant wishes to use the garage as a catering kitchen
- There will be minimal exterior conditions to the building and no expansion in the footprint.
- No employees are anticipated onsite regularly
- There is adequate parking onsite for 5 employees
- Food deliveries are 1-2 per week and will be with a box truck, resulting in minimal impact on traffic

Tim Persons made a motion to approve the application. Tony Higgs seconded the application. The motion was approved unanimously.

3. Application of Elysia Gingue of 23 Coffin Road, St. Johnsbury, VT 05819 pursuant to section 305,311 and 204 of the St. Johnsbury Zoning Bylaws, for approval of a conditional use as a Therapeutic Health and Massage Center at 542 Railroad Street. Said land and premises are

located in districts designated Mixed Use on the St. Johnsbury Zoning Map. (Reference 20150921-003)

The Board Finds:

- The applicant wishes to open a Therapeutic Health and Massage Center.
- Existing 8-10 parking available off street
- The existing sign will be used, with a change in content
- No other employees other than owner are proposed
- The application does not have any adverse impacts on the Conditional Use Criteria in Section 204.4.3

Ray LaBounty made a motion to approve the application as a Therapeutic Health and Massage Center with the use of the existing sign. Dennis Smith seconded the motion. The motion was approved unanimously.

4. Application of Fairbanks Museum of 1302 Main Street, St. Johnsbury, Vt 05819 pursuant to section 310 and 204 of the St. Johnsbury Zoning Bylaws, for approval of a change of use to conditional use as a Cultural Facility at 72 Charles Street. Said land and premises are located in districts designated Residential B on the St. Johnsbury Zoning Map. (Reference 20150930-002)

The Board Finds:

- The proposed use is as a Cultural Facility
- The application does not have any adverse impacts on the Conditional Use Criteria in Section 204.4.1.

Tim Persons made a motion to approve the application as presented. Tony Higgs seconded the motion. The motion was approved unanimously.

5. Application of Stephen Taylor of 981 Lackey Hill Road, St. Johnsbury, Vt 05819 pursuant to section 302 and 307 of the St. Johnsbury Zoning Bylaws, for approval of variance to setback at 981 Lackey Hill Road. Said land and premises are located in districts designated Rural Lands Two on the St. Johnsbury Zoning Map. (Reference 20151005-001)

The Board Finds:

- Due to the depth of the lot, the lot cannot be used without a variance to the setbacks.
- The creation of the lot and the restrictions due to the lot size is not due to fault of the applicant
- A variance to setback is required for the use of a deck on the back of the existing trailer as well as two storage sheds.
- The neighboring landowner indicated that the deck would impair the use of the neighboring property because they like to use ATVs on the lot neighboring to the rear. The board finds that

the deck will not have an adverse impact or prevent the use of ATVs on the parcel behind the applicants.

- The variance will allow the use of the storage sheds, and the deck to be constructed and will still maintain a reasonable setback.

Tim Persons made a motion to approve the application and provide a variance in the rear setback to 15'. Chad Robillard seconded the application. The board approved the motion unanimously.

6. Application of Dylan Eustace of 1368 Elliot Road, St. Johnsbury, Vt 05819 pursuant to section 302 and 307 of the St. Johnsbury Zoning Bylaws, for approval of variance to setback at 1368 Elliot Road. Said land and premises are located in districts designated Rural Lands Two on the St. Johnsbury Zoning Map. (Reference 20151005-002)

The Board Finds:

- The barn is in close proximity to a powerline and the utility company has requested he relocate the proposed barn site to avoid the need to relocate the power lines.
- The proposed new barn location does not have an adverse impact on the road or sight distances of travelers.
- The applicant proposes to maintain as many of the existing trees as possible to provide for screening.
- The applicant did not install the power line

Dennis Smith made a motion to approve the application as presented and grant the variance to the front setback. Tim Persons seconded the motion. The board approved the motion unanimously.

7. Application of Chad Roy of PO Box 4086, St. Johnsbury, Vt 05819 pursuant to section 305, 311, and 204 of the St. Johnsbury Zoning Bylaws, for approval of Change of Use to a Patient Service Center at 560 Railroad Street. Said land and premises are located in districts designated Mixed Use on the St. Johnsbury Zoning Map. (Reference 20150923-001)

The Board Finds:

- The existing use of the building is Retail and Office Space
- Patient Service Center is not defined in the current St Johnsbury By Laws.
- They anticipate 2-3 employees
- There will be 20-25 client visits per week
- The use is medical in nature
- Existing available parking is not defined in the application

Tim Persons made a motion to deny the application. Dennis Smith seconded the motion. The board approved the motion to deny the application unanimously.

8. Application of Packard Court LLC of PO Box 259 Lyndonville, VT 05851 pursuant to section 302, 305, 311, and 204 of the St. Johnsbury Zoning Bylaws, for approval of Conditional Use as a Dormitory and variance of setback at 1244-1262 Main Street. Said land and premises are

located in districts designated Mixed Use on the St. Johnsbury Zoning Map. (Reference 20150904-001).

The Board Finds:

- The application requires a variance to the side setback.
 - The size of the lot would not allow the lot to be used in this manner without variance from the side setback.
 - Reduction in the side setback is required to maintain the historical use of the lot and conforms to the character of Main Street at this location.
- Conditional Use:
 - The application provided a copy of a parking agreement with the Academy, and has discussed parking with surrounding property owners including Passumpsic Savings Bank, VFW, Fairbanks and Churches and property owners support the application.
 - Adam Kane of Fairbanks Museum expressed support
 - Robert Holmes of the VFW expressed support
 - The application does not have any adverse impacts on the Conditional Use Criteria in Section 204.4.1.
 - A letter by Greg Jackmah, who owns property at 1346 Main Street was made part of the record.

Chad Whitehead made a motion to approve the application for 12 Dormatory Suites, 3, two bedroom faculty apartments, a 150 person convention space, a 42 seat restaurant and 21 person classroom with variances to the setbacks as proposed by the applicant. The motion was seconded by Tim Persons. The board approved the motion unanimously.

On a motion by Tony Higgs and Second by Chad Whitehead, the meeting was adjourned.